

Remarks/Arguments:

In further response to the office action of November 21, 2003, Applicant submits the following explanatory remarks.

Objection to Abstract

In that office action, the abstract of the disclosure is objected to because of a semantic informality. This informality has been obviated by the present amendment and withdrawal of this rejection is respectfully requested.

Double Patenting

Claims 10, 12-18, and 20-25 are rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-7 of U.S. Patent No. 6,302,908. In order to advance prosecution of this application, and without conceding that the subject matter claimed herein is rendered obvious by the '908 patent, a terminal disclaimer is submitted herewith. Accordingly, this rejection has been obviated and claims 10, 12-18, and 20-25 should now be allowed.

Summary of Other Rejections and Responses

Claims 10-25 are the pending claims in this application.

Claims 10-17 are rejected under 35 U.S.C. § 112, ¶ 1 for alleged lack of enablement. Applicant has amended claim 10 to obviate the rejection and respectfully requests withdrawal of this rejection.

Claims 10-25 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 5,824,040 to Cox et al (Cox). Applicant respectfully submits that claims 10-25 recite limitations neither taught nor suggested by Cox and for the reasons set forth below, respectfully submits that claims 10-25 are patentable over Cox.

Detailed Response to Other Rejections

The limitation, "a third portion having a greater diameter than the transition portion," is objected to for alleged lack of enablement. That limitation has now been replaced by

- (i) a first diameter at said bifurcated juncture,
- (ii) a connecting portion comprising a second diameter, smaller than said first diameter, proximal said first diameter and adapted to mate with said separate elongated segment, and
- (iii) a guide wire and second segment receiving portion, proximal said connecting portion and of larger diameter than said connecting portion, and a conical transition section between said connecting portion and said larger diameter

which language is more clearly supported in the specification. Specifically: the connecting portion 16 (as referenced at page 4, lines 23-32) is seen in figures 4, 5, 6 and 8, and is located, as shown in those figures, proximal to that part of the second segment which provides a smaller diameter passageway across the bifurcation and distal to the funnel and

enlarged section of that segment which serves to more easily receive and guide an incoming guide wire and separate elongated segment, as also described in the same sentence of the specification.

Regarding the rejection based on Cox, Applicant contends that Cox fails even to suggest, much less disclose, Applicant's claimed invention. The statement of rejection makes reference to Cox Figures 2, 15 A-B, 16 A-B and 18 A-B, alleging these figures show a device like that claimed herein. To the contrary (and with specific reference to both of applicant's independent claims, claim 10, as amended, and claim 18), none of these figures shows a device with a distal main artery portion with two proximal legs, one extending into one of the branched legs and the other have a narrowed connecting portion with a cone or funnel like opening for receiving a guide wire and/or a mating separate elongated segment.

A careful reading of Cox reveals that the Figure 16A-B embodiment has the branch module 10 placed first in a "healthy renal [sic] artery." (Cox, col 17, line 26). The bifurcated module 214 is not described in its pre-mated configuration. From Figure 16B, it appears that one leg of that module seems to surround the previously placed branch module 10. How that is accomplished is not described.

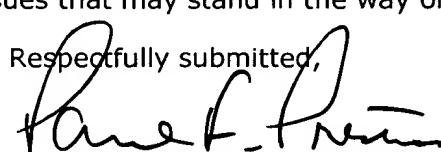
Neither of the Cox Figure 15 and 18 embodiments include a bifurcated module with integral proximally extending segments and neither includes such a proximal segment with a reduced diameter connecting portion and a funnel-like opening to receive a guide wire or a mating component.

Claim 18, while not identical to amended claim 10, includes features similar to amended claim 10 and is patentable over the art for the reasons set forth above. Accordingly, Applicant respectfully submits that the Cox reference does not anticipate claims 10-25. Claims 11-17 and 19-25 include all the features of amended claim 10 and claim 18, from which they depend, and are therefore patentable over the art of record for the reasons set forth above. These dependent claims may also be patentable for other reasons as well.

Summary

For all the reasons set forth above, Applicant contends that all grounds of rejection in the November 21, 2003 Office Action have been obviated by amendment or shown to be improper due to the failure of the prior art on which these rejections depend to disclose or suggest important features of Applicant's invention as claimed. Applicant submits therefore that early and favorable notification as to the allowance of this application is in order and is earnestly solicited. The Examiner is requested to call Applicant's undersigned attorney (Direct Dial: 610-993-4204) to resolve any remaining issues that may stand in the way of allowance.

Respectfully submitted,



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PFP/bgd

Attachment: Abstract

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